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REMARKS

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Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1-16 and 20-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,081,349 to Iwasaki (hereinafter "Iwasaki") in view of U.S. Patent No. 6,663,560 to MacAulay et al., (hereinafter "MacAulay"). Furthermore, the Examiner rejects claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Iwasaki and MacAulay and further in view of U.S. Patent Application Publication No. 2002/0024015 to Hoffman et al., (hereinafter "Hoffman").

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below.

Independent claim 1, recites in part:

a first light modulation member for imparting shade to the converged linear light, the first light modulation member being disposed with regard to the at least one lens such that the linear light is incident on the first light modulation member;

Thus, the first light modulation member of claim 1 modulates the beam pattern by imparting shade to the converged linear light (e.g., see Figures 2f, 2g, 2h, 2i, 20 and 21 of the Figures and the accompanying text of the specification. In contrast, Iwasaki teaches modulation of the intensity of light (time series intensity modulation) (see column 3, lines 56-62 of Iwasaki). Thus, the acousto-optic modulators (13A and 13B) disclosed by Iwasaki modulate a light intensity of laser beams 11A and 11B, respectively, and do not modulate the beam pattern by imparting shade to the converged linear light as is recited in independent claim 1.

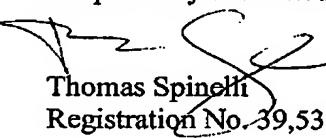
With regard to the rejection of claims 1-16 and 20-25 under 35 U.S.C. § 103(a), independent claim 1 is not rendered obvious by the cited references because neither

the Iwasaki patent nor the MacAulay patent, whether taken alone or in combination, teach or suggest a scanning optical microscope having the features discussed above. Accordingly, claim 1 patentably distinguishes over the prior art and is allowable. Claims 2-16 and 20-25, being dependent upon claim 1, are thus at least allowable therewith.

With regard to the rejection of claims 17-19 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 17-19 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 17-19 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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